

Senate File 392

SENATE FILE _____
BY COMMITTEE ON AGRICULTURE
(SUCCESSOR TO SSB 1174)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the animal agriculture compliance Act,
2 providing for penalties, and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 459.307, unnumbered paragraph 1, Code
2 2003, is amended to read as follows:
3 3 The department shall adopt rules establishing construction
4 design standards for formed manure storage structures that are
5 part of confinement feeding operations other than small animal
6 feeding operations. However, the construction design
7 standards shall apply to a formed manure storage structure
8 that is part of a small animal feeding operation as provided
9 in section 459.310.
10 10 Sec. 2. Section 459.308, subsection 3, Code 2003, is
11 amended to read as follows:
12 12 3. A person shall not construct an unformed manure storage
13 structure on karst terrain or on an area that drains into a
14 known sinkhole. However, a person may construct an unformed
15 manure storage structure, if there is a twenty-five foot
16 vertical separation distance between the bottom of the
17 unformed manure storage structure and underlying limestone,
18 dolomite, or other soluble rock.
19 19 Sec. 3. Section 459.310, subsection 1, unnumbered
20 paragraph 1, Code 2003, is amended to read as follows:
21 21 Except as provided in subsection subsections 3 and 3A, the
22 following shall apply:
23 23 Sec. 4. Section 459.310, subsection 2, Code 2003, is
24 amended to read as follows:
25 25 2. A Except as provided in subsection 3A, a confinement
26 feeding operation structure shall not be constructed on land
27 that is part of a one hundred year floodplain as designated by
28 rules adopted by the department pursuant to section 459.301.
29 29 Sec. 5. Section 459.310, Code 2003, is amended by adding
30 the following new subsection:
31 31 NEW SUBSECTION. 3A. A separation distance required in
32 subsection 1 or the prohibition against construction of a
33 confinement feeding operation structure on a one hundred year
34 floodplain as provided in subsection 2 shall not apply to a
35 confinement feeding operation that includes a confinement
2 1 feeding operation structure that was constructed prior to
2 2 March 1, 2003, if any of the following apply:
2 3 a. One or more unformed manure storage structures that is
2 4 part of the confinement feeding operation is replaced with one
2 5 or more formed manure storage structures on or after the
2 6 effective date of this Act, and all of the following apply:
2 7 (1) The animal weight capacity or animal unit capacity,
2 8 whichever is applicable, is not increased for that portion of
2 9 the confinement feeding operation that utilizes all
2 10 replacement formed manure storage structures.
2 11 (2) The use of each replaced unformed manure storage
2 12 structure is discontinued within one year after the
2 13 construction of the replacement formed manure storage
2 14 structure.
2 15 (3) The capacity of all replacement formed manure storage
2 16 structures does not exceed the amount required to store manure
2 17 produced by that portion of the confinement feeding operation
2 18 utilizing the formed manure storage structures during any
2 19 eighteen-month period.
2 20 (4) No portion of the replacement formed manure storage
2 21 structure is closer to the location or object from which
2 22 separation is required under subsection 1 than any other

2 23 confinement feeding operation structure which is part of the
2 24 operation.
2 25 (5) The formed manure storage structure meets or exceeds
2 26 the requirements of section 459.307.
2 27 b. A formed manure storage structure that is part of the
2 28 confinement feeding operation is constructed on or after the
2 29 effective date of this Act pursuant to a variance granted by
2 30 the department. In granting the variance, the department
2 31 shall make a finding of all of the following:
2 32 (1) The replacement formed manure storage structure
2 33 replaces the confinement feeding operation's existing manure
2 34 storage and handling facilities.
2 35 (2) The replacement formed manure storage structure
3 1 complies with standards adopted pursuant to section 459.307.
3 2 (3) The replacement formed manure storage structure more
3 3 likely than not provides a higher degree of environmental
3 4 protection than the confinement feeding operation's existing
3 5 manure storage and handling facilities.
3 6 If the formed manure storage structure will replace any
3 7 existing manure storage structure, the department shall, as a
3 8 condition of granting the variance, require that the replaced
3 9 manure storage structure be properly closed.
3 10 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
3 11 immediate importance, takes effect upon enactment.
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